

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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TWIN CITY PIPE TRADES SERVICE  
ASSOCIATION, INC.,

Civil No. 10-0556 (JRT/SRN)

Plaintiff,

v.

**ORDER**

FORE MECHANICAL SERVICES, INC.

Defendant.

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William Cumming, **HESSIAN & MCKASY, PA**, 4000 Campbell Mithun Tower, 222 South Ninth Street, Minneapolis, MN 55402, for plaintiff.

This matter came before the Court on June 21, 2010, on Plaintiff's Motion for Default Judgment against Defendant Fore Mechanical Services, Inc. William A. Cumming appeared for Plaintiff. Greg Dustin and Kevin Grell of Fore Mechanical Services, Inc. appeared for Defendant.

At the hearing the Plaintiff, through its counsel, advised the court that as of the hearing contributions were unpaid for March, April and May 2010. Mr. Dustin advised the court that the contributions for March 2010 had been recently submitted to the Service Association. Mr. Cumming was directed to submit an affidavit and proposed order reflecting the amounts that remained outstanding.

Subsequent to the hearing, Mr. Cumming filed and served an affidavit [Docket No. 15]

reflecting that the Plaintiff had not received any further payments, including for March 2010, from the Defendant as of June 23, 2010.

Based on all of the files, records, and proceedings in this matter, and being fully advised in the premises,

**IT IS ORDERED** that Plaintiff Twin City Pipe Trades Service Association, Inc. have and recover from Defendant Fore Mechanical Services, Inc., the sum of \$45,102.53 representing:

1. \$33,169.25 in unpaid fringe benefits contributions,
2. \$ 7,718.13 for liquidated damages due,
3. \$ 346.15 in interest through June 21, 2010, and
4. \$ 3,869.00 for reasonable costs and attorney's fees.

**IT IS FURTHER ORDERED** that Defendant Fore Mechanical Services, Inc., is enjoined and required to post a bond in favor of Plaintiff Twin City Pipe Trades Service Association, Inc., as approved by the Service Association Board, or deposit cash, in the amount of \$33,000.00 conditioned and sufficient to pay all the benefit payments due for a period of at least three (3) months in advance.

**IT IS FURTHER ORDERED** that Defendant Fore Mechanical Services, Inc., is enjoined and required to make its benefit contribution payments once a week not later than three (3) working days (excluding Saturdays, Sundays, and holidays) after the close of the weekly period for which contributions are due.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 8, 2010  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge